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SAMSUNG SEMICONDUCTOR, INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 TRONG NGUYEN, on behalf of himself and  
13 all others similarly situated,

14 Plaintiff

15 v.

16 SAMSUNG ELECTRONICS CO., LTD., et  
al.,

17 Defendants.

CASE NO. 07-0086-SBA

**JOINT STIPULATION AND  
[PROPOSED] ORDER EXTENDING  
TIME TO RESPOND TO COMPLAINT  
AND COMPLAINTS IN RELATED  
ACTIONS**

The Hon. Sandra B. Armstrong  
Amended Complaint filed Jan. 18, 2007

19 THIS STIPULATION ALSO RELATES TO  
20 THE FOLLOWING RELATED CASES BY  
ORDER OF MARCH 14, 2007:

21 *A Computer Place, Inc. v. Samsung*  
*Electronics, Co., Ltd.*  
22 Case No. C-07-01020-WHA

23 *Burke v. Samsung Electronics, Co., Ltd., et al.*  
Case No. C-07-01236-MJJ

24 *Miller v. Samsung Electronics, Co., Ltd., et al.*  
25 Case No. C-07-01147-EDL

26 THIS STIPULATION ALSO RELATES TO  
27 THE FOLLOWING CASES SUBJECT TO  
28 MOTIONS TO RELATE, FILED MARCH  
15, 2007:

1 *Alderman v. Samsung Electronics, Co., Ltd., et*  
2 *al.*

3 Case No. C-07-1489-MJJ

4 *Burt v. Samsung Electronics, Co., Ltd., et al.*  
5 Case No. C-07-1388-MMC

6 *Perkins v. Samsung Electronics, Co., Ltd., et*  
7 *al.*

8 Case No. C-07-1360-JL

9 *TechToysForLess v. Samsung Electronics, Co.,*  
10 *Ltd., et al.*

11 Case No. C-07-1418-SC

12 *Huh v. Samsung Electronics, Co., Ltd., et al.*  
13 Case No. C-07-1459-JCS

14 *Krahmer v. Samsung Electronics, Co., Ltd., et*  
15 *al.*

16 Case No. C-07-1460-SC

17 THIS STIPULATION ALSO RELATES TO  
18 THE FOLLOWING CASES SUBJECT TO  
19 THE MOTION TO RELATE, FILED APRIL  
20 3, 2007:

21 *Kevin's Computer and Photo v. Samsung*  
22 *Electronics Co., Ltd., et al.*

23 Case No. C-07-1665-MJJ

24 *Theisen v. Hitachi, Ltd., et al.*

25 Case No. C-07-1680-BZ

26 *Greenwell v. Samsung Electronics Co., Ltd., et*  
27 *al.*

28 Case No. C-07-1524-EDL

*Sweatman v. Samsung Electronics Co., Ltd., et*  
*al.*

Case No. C-07-1613-MEJ

*Pellitteri v. Samsung Electronics Co., Ltd., et*  
*al.*

Case No. C-07-1614-JSW

*Davis v. Samsung Electronics Co., Ltd., et al.*  
Case No. C-07-1735-MEJ

*McClellan-Chambers v. Samsung Electronics*  
*Co., Ltd., et al.*

Case No. C-07-1823-SC

*Juskiewicz v. Samsung Electronics Co., Ltd., et al.*

Case No. C-07-1829-JL

WHEREAS the undersigned Plaintiff Trong Nguyen has filed a Complaint in the above-captioned case on or about January 5, 2007;

WHEREAS the additional, undersigned Plaintiffs have filed Complaints in the above-captioned cases since Plaintiff Nguyen filed his case;

WHEREAS in all of the Complaints, Plaintiffs allege price fixing by manufacturers of Flash Memory;

WHEREAS more than eighteen complaints have been filed to date in the Northern District of California and one complaint has been filed in the Southern District of New York by plaintiffs bringing class actions on behalf of either direct or indirect purchasers alleging price fixing by manufacturers of Flash Memory (collectively, "the Flash Memory Cases");

WHEREAS a motion is currently pending before the Judicial Panel on Multidistrict Litigation ("JPML") to transfer the Flash Memory Cases to a single judge for consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407;

WHEREAS this Court recently related three of the Flash Memory Cases pending in the Northern District of California to this action, and other motions are currently pending before the Court to consider whether additional actions pending in this District should be related;

WHEREAS the parties believe that the Flash Memory Cases will be consolidated or coordinated either as multidistrict litigation ("MDL") or as a group of related cases within the Northern District of California, and anticipate that, in either instance, Plaintiffs will likely file separate Consolidated Amended Complaints for the direct and indirect Flash Memory Cases;

WHEREAS the parties have agreed that an orderly schedule for any response to the pleadings in the Flash Memory Cases is more efficient for the parties and for the Court;

WHEREAS Plaintiffs agree that the deadline for Samsung Semiconductor, Inc. ("SSI") to respond to the Complaints in each of the above-captioned cases, and any other cases

1 subsequently related or transferred to this Court, shall be extended until the earlier of the  
2 following two dates: (1) forty-five days after the filing of Consolidated Amended Complaints in  
3 the direct and indirect Flash Memory Cases either in the MDL transferee Court or in the Court in  
4 which the Flash Memory Cases pending in this District are consolidated and/or coordinated in the  
5 Northern District of California; or (2) forty-five days after Plaintiffs provide written notice to SSI  
6 that they do not intend to file Consolidated Amended Complaints in the direct and indirect Flash  
7 Memory Cases, provided that such notice may be given only at or after the initial case  
8 management conference either in the MDL transferee Court or in the Court in which all Flash  
9 Memory Cases pending in this District are consolidated and/or coordinated in the Northern  
10 District of California;

11 WHEREAS Plaintiffs further agree that this extension is available, without further  
12 stipulation with counsel for Plaintiffs, to all named Defendants who notify Plaintiffs in writing of  
13 their intention to join this extension;

14 WHEREAS Plaintiffs and Defendant SSI (and any other named Defendants who  
15 provide notice of their intention to join this extension pursuant to the preceding paragraph) agree  
16 that each such defense counsel shall accept service on behalf of the Defendant that provided  
17 notice of its intention to join this extension of all complaints in the above-captioned matter,  
18 including any amended or consolidated complaints, and further, that such Defendant shall not  
19 contest the sufficiency of process or service of process. This Stipulation does not constitute a  
20 waiver of any other defense, including but not limited to, the defense of lack of personal or  
21 subject matter jurisdiction;

22  
23 PLAINTIFFS AND DEFENDANT SSI, BY AND THROUGH THEIR  
24 RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

25 1. The deadline for Defendant SSI to respond to the Complaints in the above-  
26 captioned cases, and any other cases subsequently related or transferred to this Court, shall be  
27 extended until the earlier of the following two dates: (1) forty-five days after the filing of  
28 Consolidated Amended Complaints in the direct and indirect Flash Memory Cases either in the

1 MDL transferee Court or in the Court in which the Flash Memory Cases pending in this District  
2 are consolidated and/or coordinated in the Northern District of California; or (2) forty-five days  
3 after Plaintiffs provide written notice to SSI that they do not intend to file Consolidated Amended  
4 Complaints in the direct and indirect Flash Memory Cases, provided that such notice may be  
5 given only at or after the initial case management conference either in the MDL transferee Court  
6 or in the Court in which all Flash Memory Cases pending in this District are consolidated and/or  
7 coordinated in the Northern District of California.

8           2.       This extension is available, without further stipulation with counsel for  
9 Plaintiffs, to all named Defendants who notify Plaintiffs in writing of their intention to join this  
10 extension.

11           3.       Defendant SSI (and any other named Defendants who provide notice of  
12 their intention to join this extension pursuant to the preceding paragraph) agree that each such  
13 defense counsel shall accept service on behalf of the defendant that provided notice of its  
14 intention to join the extension of all complaints in the above-captioned matter, including any  
15 amended or consolidated complaints, and further, that such defendant shall not contest the  
16 sufficiency of process or service of process. This Stipulation does not constitute a waiver of any  
17 other defense, including but not limited to, the defense of lack of personal or subject matter  
18 jurisdiction.

19           4.       Plaintiffs and Defendant SSI (and any other named Defendants who  
20 provide notice of their intention to join this extension pursuant to the preceding paragraph) agree  
21 that notwithstanding the above paragraphs, should any defendant to whom this extension applies  
22 respond to any complaint in another Flash Memory case filed in another United States District  
23 Court or a state court prior to the date contemplated by this Stipulation, then such defendant shall  
24 make a simultaneous response to the complaint in the above-captioned matter.

25           IT IS SO STIPULATED.  
26  
27  
28

1 Dated: April 11, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

2  
3 By: /s/ Mona Solouki  
4 Mona Solouki  
5 *Attorneys for Defendant Samsung Semiconductor, Inc.*

6 Dated: April 11, 2007

PEARSON, SIMON, SOTER, WARSHAW & PENNY LLP

7  
8 By: /s/ Bruce L. Simon  
9 Bruce L. Simon  
10 *Attorneys for Plaintiff A Computer Place*

11 Dated: April 11, 2007

FURTH LEHMANN & GRANT LLP

12  
13 By: /s/ Christopher L. Lebsock  
14 Christopher L. Lebsock  
15 *Attorneys for Plaintiffs Nguyen, Burt, Miller, Perkins and TechToysForLess*

16 Dated: April 11, 2007

ZELLE HOFMANN VOELBEL MASON & GETTE LLP

17  
18 By: /s/ Christopher Micheletti  
19 Christopher Micheletti  
20 *Attorneys for Plaintiffs Nguyen, Burke, Burt, Miller, Perkins, TechToysForLess*

21 Dated: April 11, 2007

STEYER LOWENTHAL BOODROOKAS ALVAREZ & SMITH LLP

22  
23 By: /s/ Allan Steyer  
24 Allan Steyer  
25 *Attorneys for Plaintiffs Nguyen, Miller, Burt, Huh, Krahmer, Sweatman, Pellitteri, Davis, McClellan-Chambers and Jamac Enterprises d/b/a/ Elite Custom Computers, Inc.*

1 Dated: April 11, 2007

LIEFF, CABRASER, HEIMANN & BERNSTEIN,  
LLP

2  
3  
4 By: /s/ Eric B. Fastiff

Eric B. Fastiff

*Attorneys for Plaintiff Alderman*

5  
6 Dated: April 11, 2007

THE TERRELL LAW GROUP

7  
8 By: /s/ Reginald Terrell

Reginald Terrell

*Attorneys for Plaintiff Greenwell*

9  
10 Dated: April 11, 2007

LAW OFFICES OF JOSEPH M. PATANE

11  
12 By: /s/ Joe Patane

Joe Patane

*Attorneys for Plaintiff Juskiewicz*

13  
14 Dated: April 11, 2007

BERMAN, DEVALERIO, PEASE TABACCO,  
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Joseph J. Tabacco Jr.  
Christopher T. Heffelfinger

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17 KOHN, SWIFT & GRAF, P.C.

Joseph Kohn

William E. Hoese

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19  
20 By: /s/ Christopher T. Heffelfinger

Christopher T. Heffelfinger

*Attorneys for Plaintiff Kevin's Computer and Photo*

21  
22 Dated: April 11, 2007

GROSS & BELSKY LLP

23  
24 By: /s/ Terry Gross

Terry Gross

*Attorneys for Plaintiff Theisen*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED THAT, to conserve party and judicial resources, and in light of the proceedings currently pending before the JPML to consolidate and transfer all pending Flash Memory Cases to one Court, and pending motions in this Court to consider whether additional cases should be related, this extension is available in ALL RELATED ACTIONS (both current and to be related in the future) to any defendant that provides written notice to plaintiff's counsel in such action of this Order and its intention to join this extension, without further stipulation with counsel for plaintiff(s) in the related actions.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Sandra B. Armstrong  
Judge of the United States District Court